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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4856 **/2005**

PETITONER : B. P. CHAKRADHAR,
AGED ABOUT 57 YEARS
S/O SHRI H. L. CHAKRADHAR
POSTED ASDEPUTY COLLECTOR,
AT – DISTRICT OFFICE,
KABIRDHAM (KAWARDHA)
R/O KAWARDHA (C. G.)

P.R. No. 4915/05 Shivsahu
Presented on
dated 21/9/05

VERSES

RESPONDENTS : STATE OF CHHATTISGARH,
THROUGH – THE SECRETARY,
DEPARTMENT OF GENERAL
ADMINISTRATION,D.K.SBHAWAN,
RAIPUR (C.G.).

RECEIVED-COPY
21/9/05
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(36)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P.No. 4856..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7.10.2005 W.P.No.4856/2005 Shri Ravish Verma, and Shri R. K. Kesharwani, counsel for the petitioner. Heard. The case of the petitioner is that he was promoted on adhoc basis from the post of Tehsildar to the post of Deputy Collector vide order dated 20.11.2002. It appears that the aforesaid promotion was subject to scrutiny of the Departmental Promotion Committee. As mentioned in para 2 of the order dated 5.9.2005, the D.P.C. was conducted on 27.7.2005. Para 3 of the order mentions that the petitioner was served with a charge sheet on 10.12.2004, therefore, the case of the petitioner was kept in sealed cover by the D.P.C. and as an effect of the aforesaid action and recommendation of the D.P.C., the petitioner, who was working on the post of Dy. Collector on adhoc basis, by order dated 20.11.2002, was directed to be posted on the post of Tehsildar from which post he was promoted to the post of Dy.Collector. There appears to be no illegality in the order passed by the State vide Annexure P-1 on 5.9.2005.	

SP/FS/2005 - 20,000

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Having heard learned counsel for the petitioner and having considered the facts and circumstances of the case, I am not inclined to interfere with the impugned order dated 5.9.2005 in this writ petition and the petition is dismissed in limine.

At this stage, learned counsel for the petitioner submits that the petitioner is aged about 57 years and if the departmental enquiry is not concluded at an early stage, the petitioner may not get advantage of this D.P.C. and he may attain the age of superannuation, pending his enquiry.

This Court is not aware of the factual situation of the enquiry at this stage. However, it appears from the statement made in para 3 of the impugned order that the departmental enquiry was instituted on 10.12.2004. Looking to the date of institution of departmental enquiry, it is expected from the authorities that they will try to expedite the proceedings of departmental enquiry at an early date.

Presently, I am not issuing any direction pertaining to the completion of enquiry. However, I only say that if the enquiry instituted against the petitioner on 10.12.2004, is not completed by 10.12.2005, the petitioner shall be at liberty to

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP 4856/01 ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

file an appropriate petition, seeking appropriate directions for completion of enquiry in the said matter.

With the aforesaid directions, the petition stands finally disposed of. This order shall be brought to the notice of the concerned Secretary of the State within 15 days from today by the petitioner and the direction shall be subject to this compliance by the petitioner.

Consequently, M. W. P. No. 3903/2005 and I. A. No. 8611/2005 also stand disposed of.

Certified copy as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Sunita

28/10/06

10/1/06